



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

CHARTERED 1749 INCORPORATED 1961

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DUMFRIES TOWN COUNCIL WORK SESSION MINUTES MARCH 15, 2011, 7:00 PM

Present: Mayor Yohey, Vice-Mayor West, Councilors Barr, Foreman, Forrester, Jurgensen, Toney

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Kristi Caturano, *Town Attorney*; Retta Ladd, *Treasurer*; Chief Taber, *Chief of Police*; Greg Tkac, *Dir. of Public Works*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager*; Catherine Koslicki, *Town Clerk* and 8 citizens.

PUBLIC HEARING **FY11 Amended Budget**

Mayor Yohey called the hearing to order at 7:00 PM. Ms. Alexander stated there were two changes to the notice. The amended budget for Administration should be \$71250 and for Information Technology should be \$0. The total remains the same at \$355,029. Mayor Yohey opened the hearing for public comment. No comments were made for or against. The hearing was closed at 7:01 PM.

Mayor Yohey called the Council meeting to order at 7:01 PM.

There were no changes to the agenda.

CITIZEN COMMENTS

There were no citizen comments.

MAYOR COMMENTS

Mayor Yohey asked for a moment of silence for the people affected by the recent events in Japan.

BOARDS & COMMISSIONS

a. Planning Commission: Report presented by Chris Padberg, Chairman of the PC.

Mr. Padberg stated the last meeting of the PC was March 7th. The two applications listed on the agenda were not discussed because the representatives did not attend the meeting. He announced the joint meeting between the PC and Council is scheduled for March 21st.

Mayor Yohey asked if there is a fee associated with the applications mentioned. Mr. Padberg stated upon submission a fee would be due. He stated Mr. Khokhar has implemented a “pre-conference” program that allows potential applicants to bring their ideas/plans before the PC at no charge and without submitting a formal application. He stated this has worked well so far and he believes it will help the applicants to be more prepared when they file.

b. Architectural Review Board: Report presented by Don Little, Chairman of the ARB.

Mr. Little stated the last meeting of the ARB was March 8th. Ms. Joann Barron with HDV gave a presentation on the work of the Historical Resources sub-committee. She also provided feedback on the historical boundaries. Mr. Little stated the next step is to work with Mr. Lansing and to conduct a “street survey.”

Mr. Little handed out a map of the current historic district boundaries (as stated in the Code). (See Attached.) He stated previous Councils had voted twice to change the boundaries; however, an ordinance was never adopted to change the Code. Therefore, the historic boundaries have not changed from the current Code. Mr. Little stated the ARB recommends the Town notify those properties that are within the current boundaries but, may not be aware.

He stated the ARB members asked for an updated from Ms. Sandlin on the proposed change to the ARB membership (to allow a member to be a business owner and a non-resident). She advised the ARB the proposed ordinance amendment would be presented at the next Council meeting (April 5th).

Mayor Yohey asked if the State Code allowed for this. Ms. Sandlin affirmed.

Council Lady Forrester asked if the business owner could sit as an “advisory member” and not have the right to vote. Mr. Little stated that could be a possibility but, the ARB members would like for the business owner to have full involvement. They feel the ARB could benefit from the input from a commercial perspective.

c. Historic Dumfries, Virginia: Report presented by Gary West.

Mr. West stated the Paranormal Lecture scheduled for Saturday is sold out. He reminded everyone of Charter Day on May 7th. The event will be a free, family-friendly celebrating Dumfries as the oldest continuously chartered town in Virginia. He stated the Weems-Botts is in need of volunteers. HDV has hired a new Director of Operations, Cathy Riddle. Ms. Baron will now be the Director of Development. HDV has books for sale at a huge discount. Copies of “Prince William-A Past to Preserve” are available for \$6.00. He also announced the museum has reopened.

STAFF REPORTS/COMMENTS

a. Treasurer: Ms. Ladd submitted her report as provided

Mayor Yohey asked for Ms. Ladd to provide a list of businesses that have paid their BPOL and a list of those businesses that paid last year but have not paid this year. The Mayor stated last year at the Mid-Year budget review the Town had a “net deficit.” He stated this year the Town is closer to the break-even point. Ms. Ladd confirmed.

- b. **Town Attorney:** Ms. Caturano submitted her report as provided. She stated the only unusual item on her report is the Warrants in Debt. These were filed for unpaid sanitation fees. A few individuals had defaulted on payment plans and the cases need to be filed prior to the expiration of the statute of limitations of two years.

Council Lady Barr asked what the circumstances were behind the Maiming, Killing or Poisoning (animals) charge. Ms. Caturano stated a son had killed a mother's fish and she filed charges. Councilman Toney asked about the disposition of the case. Ms. Caturano stated the defendant failed to appear at the last court date. The case was continued for the following month and Court Services has been involved.

- c. **Town Manager:** Ms. Alexander stated her only comment was to inform Council the Economic Development meeting scheduled for tomorrow (March 16th) in Richmond has been cancelled.

ACTION ITEMS

a. **Consider Adopting FY11 Amended Budget**

Mayor Yohey asked if the additional revenue as posted in the Public Hearing notice is from grants. Ms. Alexander affirmed. He asked her to state for the record which categories were affected. She stated additional revenues from grants were received for Administration, Public Works and the Police Department. He asked what amount was received for the grants. She stated approximately \$300,000.

Vice-Mayor West made a motion to adopt the FY11 Amended Budget with a second by Council Lady Barr. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passed, 6-1.

b. **Consider Adopting Proposed Ordinance Amendment to Chapter 30 Relating Generally to Fire Prevention and Protection (1st Reading: 3/1/2011)**

Mayor Yohey asked Ms. Caturano to state the purpose of the proposed ordinance amendment. She stated the ordinance would appoint the County's Fire Marshal as the Town's Fire Marshal and give them the authority provided by State Code. She stated the services are currently being provided by the County.

Council Lady Forrester asked if there would be an MOU with PWC. Ms. Caturano stated an MOU would not be done for this service because it would give the County an opportunity to back out if they chose. She said an ordinance is what the County is asking for, it follows the State Code and it is better for all parties involved. Council Lady Forrester recalled a previous conversation with Mrs. Caddigan in which she explained the Town does not have a right to all PWC services. Ms. Caturano advised that may apply to some services, but it does not apply to fire. She said that would be the case for the Police Department and for Building Inspection. Council Lady Forrester asked how PWC knew they were supposed to provide the services without an MOU. The State Code dictates if appointed they are required to provide the services. Mayor Yohey asked which Ms. Caturano would rather have in court, the ordinance or an MOU. She stated she would rather have the State Code with the supporting Town Ordinance. Ms. Alexander stated the alternative would be to hire our own Fire Marshal or to contract the service out. Council Lady Forrester stated she felt it was important to have in writing that PWC will provide the services. Ms. Caturano stated the language is in the State Code and she will provide a copy for her.

Council Lady Jurgensen asked about the fee schedule. Ms. Caturano stated the fees would be the same as PWC and they are not part of the ordinance. She stated she will provide a copy for Council.

Vice-Mayor West made a motion to adopt the Proposed Ordinance Amendment to Chapter 30 relating generally to Fire Prevention and Protection. A second was made by Council Lady Barr. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passed, 6-1.

c. Consider Approval of an Amendment to the Planning Commission Bylaws

Mr. Khokhar advised the proposed amendment to the PC bylaws will change one word, as has been requested by Council. Under Article VIII, 2, "shall" will be changed to "may."

Vice-Mayor West made a motion to approve the Amendment to the Planning Commission Bylaws, with a second by Council Lady Barr. On roll call the vote was unanimous, motion passed.

(A sidebar discussion took place between Mayor Yohey and Ms. Caturano. He asked what the procedure was for recommendations to the Council (ie: the Badr CUP). Ms. Caturano stated the PC will provide a recommendation to Council, as will staff. However, the Council makes the decision.)

d. Consider Approval of Real Estate Contract

Ms. Alexander advised Council the contract referred to was discussed at the regular meeting on March 1st in closed session.

Councilman Foreman asked if the funds to purchase the property are coming from the bond. Ms. Alexander affirmed and stated a press release will be written once the contract is signed.

Council Lady Forrester made a motion approve the real estate contract with a second by Council Lady Jurgensen. On roll call the vote was unanimous, motion passed.

e. Consider Approving Student Summer Internship Program

Ms. Holtzlander advised Council they had been provided with the background information for the Intern Program and she asked for their continued support. The program would have four interns and the cost would be \$6500. She advised the item would need to be approved prior to the new budget in order to get the program started. Mayor Yohey stated this is referred to as forward funding and this was the same process Council used last time for the program.

Council Lady Jurgensen made a motion to approve the Student Summer Internship Program for FY12 with a budget of \$6500. On roll call the vote was unanimous, motion passed.

COUNCIL COMMENTS

Councilors Barr, Foreman, Forrester, Jurgensen and Toney had no comments.

Vice-Mayor West advised everyone of a meeting on Thursday (March 17th) at 7 PM with Delegate Torian, Delegate Anderson and Senator Puller in the Ferlazzo Building. They will be reviewing legislation passed in the last session of the General Assembly.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (1) Personnel regarding the nomination of BZA members and (6) Financial Interest regarding the DCJS grant. Councilman Toney seconded the motion. On roll call the vote was unanimous, motion passed. Council entered closed session at 8:12 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Council Lady Forrester. On roll call the vote was unanimous, motion passed. The Council returned to open session at 9:25 PM.

Councilman Toney made a motion to recommend the BZA Nominees in the order as discussed in closed session with a second by Vice-Mayor West. On roll call the vote was unanimous, motion passed.

ADJOURN

Councilman Toney made a motion to adjourn with a second by Council Lady Forrester. On roll call the vote was unanimous, motion passed. The meeting adjourned at 9:26 PM.

Minutes submitted by

Approved by

Catherine H. Koslicki
Town Clerk

Fred E. Yohey, Jr.
Mayor